IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3447/2005

(Pooja Rani Vs. State of Rajasthan & Anr.)

Date of Order : 01/02/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. H.S.Sidhu for the petitioner.
Mr. Tarun Joshi for the respondent No.2.
Mr. N.M.Lodha, Addl. Advocate General for the respondent No.1.

BY THE COURT:-

Counsel for the petitioner submits that he does not press the prayer No.1 seeking to challenge the validity of Rule 266(3) of the Rajasthan Panchayati Raj Rules, 1996. However, learned counsel submits that the petitioner is otherwise eligible for the appointment on the post of Teacher Gr-III in Primary/ Upper Primary School as advertised by Annex.P-6.

Learned Additional Advocate General appearing for the respondent State submits that though the petitioner had three subjects namely Maths, Hindi and English in the Secondary School before the Punjab School Education Board but the

petitioner failed in Maths and therefore, the controversy involved in the instant case stands concluded by the decision of this Court in Smt. Sarita and 10 Ors. Vs. State and Another 2006 (2) WLC (Raj.) 769 wherein this Court while considering the similar contention and interpreting the provision of Rule 266 (3) of the Rajasthan Panchayati Raj Rules, 1996 held that the provision of the said Rule has the purpose, and has been holding field for long time, the expression used in Rule 266(3) "with five subjects, three of them should be mathematics, Hindi and English", obviously means, that out of the five subjects, he should have passed in the three subjects i.e. Mathematics, Hindi and English.

Admittedly, in the instant case, the petitioner failed in the subject Mathematics.

In this view of the matter, the writ petition has no force and it is therefore, dismissed. Stay petition also stands disposed of. There shall be no order as to costs.

(H.R.PANWAR),J.

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